

## **REMARKS**

Claims 1, 3-10, 12-17, 34, 36-42, 44-50 and 52 are pending in this application. Claims 1, 3-10, 12-17, 34 and 36-40 stand rejected on grounds of obviousness-type double patenting over U.S. Patent No. 7,119,772 in view of U.S. Patent Application Publication No. 2005/0024353, it being indicated in the Office Action that an appropriate Terminal Disclaimer would suffice to overcome the double patenting rejection.

In response to the aforementioned obviousness-type double patenting rejection, applicants are filing herewith a Terminal Disclaimer disclaiming any portion of the term of any patent granted on this application which extends beyond the term of U.S. Patent No. 7,119,772. With regard to the required common ownership, it is respectfully noted that an Assignment of the present application to E Ink Corporation, of 733 Concord Avenue, Cambridge MA 02138 was recorded on February 16, 2005 at Reel 15689, Frames 430 *et seq.* Similarly, an Assignment of Application Serial No. 10/814,205, which issued as U.S. Patent No. 7,119,772, to the same E Ink Corporation was recorded on April 25, 2005 at Reel 15938, Frames 738 *et seq.* Furthermore, the undersigned attorney, who is the Intellectual Property Counsel of the aforementioned E Ink Corporation, hereby affirms, on the basis of his own knowledge and E Ink's corporate records, that no further assignment of either U.S. Patent No. 7,119,772 or the present application has been made beyond that effected by the aforementioned recorded Assignment, and that accordingly E Ink Corporation is the assignee of all right, title and interest in and to U.S. Patent No. 7,119,772 and the present application. Accordingly, the enclosed Terminal Disclaimer must be sufficient to overcome the double patenting rejection.

*Zehner et al.*  
*Serial No. 10/711,420*  
*Amendment of April 29, 2009*  
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Reconsideration and allowance of all claims now present in this application is respectfully requested.

Since the prescribed period for responding to the Office Action expired on April 8, a Petition for a one month extension of this period is filed herewith.

Respectfully submitted  
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